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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE CEMENT  
MASONS HEALTH AND WELFARE TRUST  
FUND FOR NORTHERN CALIFORNIA;  
BOARD OF TRUSTEES OF THE CEMENT  
MASONS VACATION-HOLIDAY TRUST  
FUND FOR NORTHERN CALIFORNIA;  
BOARD OF TRUSTEES OF THE CEMENT  
MASONS PENSION TRUST FUND FOR  
NORTHERN CALIFORNIA; AND BOARD  
OF TRUSTEES OF THE CEMENT MASONS  
TRAINING TRUST FUND FOR NORTHERN  
CALIFORNIA,

Plaintiffs,

v.

C AND C CONCRETE, INC. a California  
corporation and JOSE R. HERRERA, JR., an  
individual,

Defendant.

Case No.: C 10-3343 LB

**STATEMENT IN LIEU OF CASE  
MANAGEMENT CONFERENCE;  
ORDER THEREON**

**STATEMENT**

Plaintiffs filed their Complaint for Breach of Collective Bargaining Agreement, To  
Recover Unpaid Trust Fund Contributions, for Breach of Fiduciary Duty and for a Mandatory  
Injunction ("Complaint") on July 29, 2010, seeking to recover past due employee fringe benefit  
contributions on behalf of C and C Concrete, Inc.'s covered employees.

Defendants were served on August 6, 2010. Defendants failed to file a responsive pleading. On September 3, 2010 Plaintiffs filed their Request For Clerk's Entry of Default. On September 8, 2010 The Request for Clerk's Entry of Default was granted.

Recently, Defendants have been in direct negotiations with the Plaintiffs in an attempt to resolve the matter prior to further litigation. Plaintiffs respectfully request that this Court allow the parties an additional 30 days to attempt to settle the case.

Based on the above, Plaintiffs respectfully request that this Court continue the Case Management Conference for 30 days at which time either Plaintiffs can report to the Court that the case is settled or Plaintiffs will file their Motion for Default Judgment.

DATED: November 10, 2010

BULLIVANT HOUSER BAILEY PC

By *Ronald L. Richman*  
 Ronald L. Richman  
 Susan J. Olson

Attorneys for Plaintiffs

**ORDER**

Pursuant to Plaintiffs' request and good cause appearing:

IT IS HEREBY ORDERED that the Case Management Conference be continued to January 13, 2011, Courtroom 4, Oakland at 1:30 p.m. The parties shall file a Joint CMC Statement by 1/6/11.

DATED: November 10, 2010

By

